

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUSTIN LOPER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55779

**FILED**

JUN 10 2010

ORDER OF AFFIRMANCE

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY [Signature]  
DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant's motion for sentence modification. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

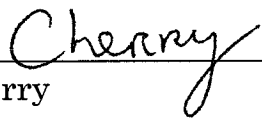
In his motion, filed on February 26, 2010, appellant claimed that the district court failed to recognize that he had no prior felony convictions. Appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Further, the presentence investigation report reflected appellant's lack of prior felony convictions.

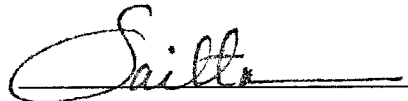
Appellant also asserted claims regarding his guilty plea, trial counsel's performance at the sentencing hearing, and the disparity in


appellant's sentence compared to those of his codefendants. These claims are outside the scope of a motion to modify sentence. See id.

For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Linda Marie Bell, District Judge  
Justin Loper  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.